

ADULT ENTERTAINMENT PROHIBITIONS

Chapter 132

[Added 06/17/92 by Ord. No. 16-92]

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132-1. Purpose.

A. It is declared to be the purpose and intent of this ordinance to protect the public health, safety, welfare and morals of the community, to promote the stability of property values, and impose restrictions upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood, reputation of Dover, increase crime and violence, and be contrary to the morals of the community. In recognition of the protections afforded to the citizens under the First and Fourteenth Amendments, it is not the intent of this chapter to inhibit freedom of speech or the press, rather to protect the public order recognizing that those parts of a community, which become centers of immoral conduct, frequently become places of rowdiness, criminality, and indecent behavior.

132-2. Prohibited Businesses.

A. The following businesses are specifically prohibited: Sex book stores, coin operated motion picture devices showing sex movies, and cabarets featuring nude or semi-nude dancers, strippers, or similar type entertainment, or sexually oriented massage parlors.

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132-3. DEFINITIONS.

A. For the purpose of this chapter, "Specified Sexual Activities" is defined as:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse, or sodomy.
- (3) Fondling, or other erotic touching of human genitals, pubic region, buttocks or female breasts.

B. For the purpose of this chapter, "Specified Anatomical Areas" is defined as:

- (1) Less than completely and opaquely covered.
 - a. Human genitals, pubic region;
 - b. buttocks, and
 - c. female breasts below a point immediately above the top of the areola.
- (2) Human male genitals in a discernably turgid state, even if completely and opaquely covered.

132-4. Book Sales.

A. No person, firm or corporation shall establish any book store, or book department or a store in which a substantial or significant portion of its stock in trade is in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities."

132-5. Mini Motion Picture Displays.

A. No person, firm or corporation shall offer for viewing through coin operated motion picture devices any movie or other form of display which has significant displays of "Specified Sexual Activities".

132-6. Nude, Semi-Nude Dancing.

A. No person, firm or corporation shall feature or permit dancers, or other persons to be engaged in the "Specified Sexual Activities", or display any of the "Specified Anatomical Areas".

132-7. Massage Parlors.

A. No person, firm or corporation shall permit any employee to engage in any of the "Specified Sexual Activities" while engaged in a massage.

132-8. Penalty.

A. Any person, firm or corporation violating any provision of this ordinance shall be fined not less than \$500.00, nor more than \$1,000.00 for each offense; and separate offense shall be deemed committed on each day during or on which a violation occurs or continues.